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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/015,564	12/17/2001	Takaaki Kutsuma	011709	6229

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EXAMINER

KEEHAN, CHRISTOPHER M

ART UNIT PAPER NUMBER

1712

DATE MAILED: 05/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/015,564

Applicant(s)

KUTSUNA ET AL.

Examiner

Christopher M. Keehan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 11 March 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 24-58 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 31-58 is/are allowed.
- 6) ☒ Claim(s) 24-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

#### ***Examiner's Comments***

The terminal disclaimer filed 3/11/05 has been accepted.

#### ***Claim Rejections - 35 USC § 103***

Claims 24-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Huang et al. (3,683,044) in view of Nishimura et al. (5,356,961). Regarding claims 24-28, Huang et al. disclose a composition for coating comprising an epoxy resin and an amine curing agent, wherein the epoxy resin is an epoxy with a glycidylamine moiety derived from metaxylylenediamine (col.3, line 41-col.4, line 20), and that the epoxy resin can be cured by curing agents customarily used for curing glycidyl compounds (col.4, lines 38-53). Huang et al. do not appear to specifically disclose an amine curing agent that is a reaction product of metaxylylenediamine and a polyfunctional compound having at least one acyl group. Nishimura et al. disclose an epoxy resin composition comprising an epoxy resin and a curing agent that is a reaction product of metaxylylenediamine and a polyfunctional compound having at least one acyl group (col.2, line 64-col.3, line 40), and that a mixture of the acyl-containing compounds can be used (col.3, lines 33-40). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have substituted the amine curing

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agent of Nishimura et al. in the composition of Huang et al. because Nishimura et al. teach that using an amine curing agent as claimed produces a high curing rate with a cured coating excellent in external appearance and adhesivity resulting in a higher quality product.

Regarding claims 29 and 30, the Huang et al. combination does not disclose a gas barrier property. However, as the combination discloses the same materials as claimed, it would have been obvious to one of ordinary skill in the art at the time the invention was made for the composition of the Huang et al. combination to have an at least similar gas barrier property because the materials of the Huang et al. combination discloses at least similar materials, and at least similar materials would have yielded a composition with an at least similar gas barrier property.

### ***Response to Arguments***

Applicant's arguments filed 3/11/05 have been fully considered but they are not persuasive. As set forth in the previous office action, Formula I of Nishimura et al. (Abstract and col.2, lines 42-62) clearly shows that  $n$  can be equal to zero. When  $n=0$ , the compound of Nishimura et al. is the same as that of applicant's. Although applicant has argued that Nishimura et al. have preferred examples showing that  $n$  is not equal to 0, Nishimura et al. are not specifically limited to just these preferred examples. As stated above, the abstract discloses that  $n$  can equal zero. Further, although applicant has amended claims 24 and 26 to include the claim language "consisting essentially of", when  $n=0$ , there are no other reactants.

***Allowable Subject Matter***

Claims 31-58 are allowed. Applicant has submitted a terminal disclaimer to obviate the obviousness-type double patenting rejection as set forth in the previous office action.

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher M. Keehan whose telephone number is (571) 272-1087. The examiner can normally be reached on Monday-Friday, from 6:30 to 3:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Randy P. Gulakowski can be reached on 571-272-1302. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Christopher Keehan *CWK*

DAVID J. BUTTNER  
PRIMARY EXAMINER

May 16, 2005

*David Buttner*